

PART 786—MISCELLANEOUS EXEMPTIONS AND EXCLUSIONS FROM COVERAGE

Subpart A—Carriers by Air

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786.1 Enforcement policy concerning performance of nonexempt work.

Subpart B [Reserved]

Subpart C—Switchboard Operator Exemption

786.100 Enforcement policy concerning performance of nonexempt work.

Subpart D—Employers Subject to Part 1 of Interstate Commerce Act

786.150 Enforcement policy concerning performance of nonexempt work.

Subpart E—Taxicab Operators

786.200 Enforcement policy concerning performance of nonexempt work.

Subpart F—Newspaper Publishing

786.250 Enforcement policy.

Subpart G—Youth Opportunity Wage

786.300 Application of the youth opportunity wage.

Subpart H—Volunteers at Private Non-Profit Food Banks

786.350 Exclusion from definition of “employee” of volunteers at private non-profit food banks.

AUTHORITY: 52 Stat. 1060, as amended; 29 U.S.C. 201–219. Pub. L. 104–188, 100 Stat. 1755. Pub. L. 105–221, 112 Stat. 1248, 29 U.S.C. 203(e).

Subpart A—Carriers by Air

§ 786.1 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemption provided by section 13(b)(3) of the Fair Labor Standards Act of 1938, as amended, will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be

considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

[21 FR 5056, July 7, 1956]

Subpart B [Reserved]

Subpart C—Switchboard Operator Exemption

§ 786.100 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemption provided by section 13(a)(10) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

[32 FR 15426, Nov. 4, 1967]

Subpart D—Employers Subject to Part 1 of Interstate Commerce Act

§ 786.150 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemption provided by section 13(b)(2) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

[13 FR 1377, Mar. 17, 1948]